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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|---|-------------|----------------------|-------------------------|------------------------|
| 10/760,577  | 01/20/2004  | Mike Peters          | 6065-90401              | 1067                   |
| 24628 7590 02/11/2009<br>Husch Blackwell Sanders, LLP<br>Husch Blackwell Sanders LLP Welsh & Katz<br>120 S RIVERSIDE PLAZA<br>22ND FLOOR<br>CHICAGO, IL 60606 |             |                      | EXAMINER<br>SAM PHIRIN  |                        |
|   |             |                      | ART UNIT<br>2419        | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>02/11/2009 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/760,577

**Applicant(s)**

PETERS, MIKE

**Examiner**

PHIRIN SAM

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 5, 15, and 21-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Regarding claims 5, 15, and 21**, the limitations, “decoding the Session Initiation Protocol INVITE” are not disclosed in the specification.

**Regarding claims 22-28**, these claims are rejected as they depend on the rejection of claim 21.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 6-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2005/0188110 of Hollatz (hereinafter “Hollatz”).

**Regarding amended claim 1**, Hollatz discloses a method of distributing Internet calls by an automatic contact distributor, such method comprising:

- (a) receiving a Session Initiation Protocol INVITE by the automatic contact distributor sent over the Internet from a client (see Fig. 1, paragraph [0016]);
- (b) determining a call type from the Session Initiation Protocol INVITE (see Fig. 1, paragraph [0028], claims 3, 12);
- (c) selecting an agent to handle the Internet call based upon the determined call type (see Fig. 1, paragraphs [0013], [0030], [0031]);
- (d) setting up a-an Internet call between the selected agent and the client through a buffer server based upon the Session Initiation Protocol INVITE and requesting notification from the agent upon termination of the Internet call (see Fig. 1, paragraphs [0039], [0046]).

**Regarding claim 2**, Hollatz discloses the step of setting up the call further comprises determining a URL of the selected agent (see Fig. 1, paragraphs [0030], [0037]).

**Regarding claim 3**, Hollatz discloses determining a universal resource locator pair for use by the buffer server for routing packets between the selected agent and client (see Fig. 1, paragraphs [0037]).

**Regarding claim 4**, Hollatz discloses routing a Session Initiation Protocol INVITE regarding the client to the selected agent (see Fig. 1, abstract, paragraphs [0009], [0026], [0036]).

**Regarding claim 6**, Hollatz discloses setting up a communication link between the selected agent and the client (see Fig. 1, paragraphs [0035], [0036], [0043]).

**Regarding claim 7**, Hollatz discloses conferencing a supervisor into the Internet call (see Fig. 1, paragraph [0044]).

**Regarding claim 8**, Hollatz discloses sending a SIP instant message to the buffer server that includes an identifier (see Fig. 1, paragraphs [0036], [0041]).

**Regarding claim 9**, Hollatz discloses defining the communication link as a request for Voice over Internet Protocol (see Fig. 1, paragraph [0050]).

**Regarding claim 10**, Hollatz discloses defining the communication link as a request for Instant Messaging (see Fig. 1, paragraph [0050]).

**Regarding claim 11**, Hollatz discloses an automatic contact distributor for distributing Internet calls over the Internet, such apparatus comprising:

- (a) means for receiving a Session Initiation Protocol INVITE within the automatic contact distributor, the INVITE received from a calling client over the Internet (see Fig. 1, paragraph [0016]);
- (b) means for determining a call type of the received Session Initiation Protocol INVITE (see Fig. 1, paragraph [0028], claims 3, 12);
- (c) means for selecting an agent to handle the Internet call (see Fig. 1, paragraphs [0013], [0030], [0031]);
- (d) means for exchanging call information over the Internet between the client and the selected agent through a buffer server and for requesting notification from the selected agent upon termination of the Internet call (see Fig. 1, paragraphs [0039], [0046]).

**Regarding claim 12**, see similar rejection of claim 2.

**Regarding claim 13**, see similar rejection of claim 3.

**Regarding claim 14**, see similar rejection of claim 4.

**Regarding claim 16**, see similar rejection of claim 6.

**Regarding claim 17**, see similar rejection of claim 7.

**Regarding claim 18**, Hollatz discloses means for directing the Session Initiation Protocol INVITE to the selected agent using a URL of the agent and for permitting the agent to negotiate a communications protocol for the internet call (see Fig. 1, paragraphs [0023], [0050]).

**Regarding claim 19**, see similar rejection of claim 9.

**Regarding claim 20**, see similar rejection of claim 10.

**Regarding amended claim 21**, see similar rejection of claim 11.

**Regarding claim 22**, see similar rejection of claim 12.

**Regarding claim 23**, see similar rejection of claim 13.

**Regarding claim 24**, see similar rejection of claim 8.

**Regarding claim 25**, see similar rejection of claim 6.

**Regarding claim 26**, Hollatz discloses in the agent selection application is adapted to monitor call progress by sending SIP requests requesting notification of status (see Fig. 1, paragraph [0046]).

**Regarding claim 27**, see similar rejection of claim 9.

**Regarding claim 28**, see similar rejection of claim 10.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (1) US Patent 7,480,723 (Grabelsky et al) discloses providing directory based services.
- (2) US Patent 7,450,572 (Kuemerowski et al) discloses intelligent terminal SIP enabled devices.
- (3) US 2004/0221061 (Chavez) discloses dynamic load balancing for enterprise IP traffic.
- (4) US 2004/0196867 (Ejzak et al) discloses fast network SIP/SDP procedures for conference operations upon request from end user with optimization of network resource.
- (5) US 2004/0156380 (Silverman et al) discloses multi-level expedited forwarding per hop behavior.
- (6) US 2003/0014488 (Dalal et al) discloses enabling multimedia conferencing services on a real time communications platform.
- (7) US 2002/0150226 (Gallant et al) discloses call treatment in a SIP network.
- (8) US 2002/0141404 (Wengrovitz) discloses call routing using information in session initiation protocol messages.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHIRIN SAM whose telephone number is (571)272-3082. The examiner can normally be reached on Increased Flexitime Policy (IFP) Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272 - 2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: February 10, 2009

By: /Phirin Sam/  
Phirin Sam  
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Art Unit 2419